

REMARKS

Applicant thanks the Examiner for the careful review of this application. Claims 2, 11 and 21 were amended. New claims 28-30 were introduced for consideration. No new matter was added. Claim 1 was previously canceled and claims 23, 25 and 27 were canceled without prejudice. Therefore, claims 2-22, 24, 26 and 28-30 are currently pending in this application.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 23, 25, and 27 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Specifically, the Examiner has rejected these claims over the use of the term "immediately." Claims 23, 25 and 27 were rejected without prejudice. Due to this, the rejections of these claims are now moot.

REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 2, 3, 11, 21, 22, 24 and 26 were rejected under 35 U.S.C. § 102(b) as being allegedly unpatentable in view of Todd (U.S. Patent No. 6,252,739). Applicant respectfully traverses.

Todd discloses a tape head cleaner which is activated when a cartridge is inserted into a tape drive. The tape head cleaner performs a first sweep down along a tape head before a tape from the cartridge is in contact with the head. This first sweep commences when a cartridge is loaded into the tape drive. Once the cartridge starts to unload, which involves winding the tape back onto the cartridge, the tape head cleaner performs a second sweep of the tape head traveling from a position below the tape head to a position above the tape head. This second sweep is performed once the tape is not in contact with the head, upon rewinding back into the cartridge.

Independent claims 2, 11 and 21 have been amended to recite that the head cleaner moves sweeps along a first direction, following winding of a tape into a tape

cartridge, and that movement in the second direction occurs once movement in the first direction has completed. These claim amendments are supported via the following entries from the specification:

[0021] Following winding of the tape into the tape cartridge, so that the tape no longer contacts the write/read head 12, a tape drive head cleaner 14 may be employed to clean the write/read head 12. A brush 16, made of an appropriate

-Applicant's specification, paragraph 21, lines 1-4

depicted in FIG. 4C. Once it has reached the bottom extent of its travels, as determined by the number of steps that the stepper motor 24 has rotated the lead screw 20, the brush 16 is moved in an upward direction 44 to again sweep the grooves 38 of the write/read head 12.

-Applicant's specification, paragraph 28, lines 4-8

In marked contrast, Todd's head cleaner does not do perform the second sweep of the head (going back up after first sweeping down along the head) once movement in the second direction has completed. Instead, Todd's head cleaner remains at a position below the head until another cartridge is inserted. In view of this, Applicant respectfully submits that Todd does not disclose the claimed embodiments, alone or in combination. Withdrawal of the rejections of the claims is therefore respectfully requested.

Applicant further respectfully submits that Todd also does not disclose new claims 28-30 which specify for the brush to be at a reference position above a first axial end of the write/read head when a tape is in contact with the write/read head wherein a first distance from the reference position to a closest exterior portion of the tape drive is less than a second distance from a position below a second axial end of the read/write head to the closest exterior position. Additionally, the closest exterior portion is orthogonal to the first direction and the second opposite direction.

Restated, when the tape is in contact with the head, the brush is at a position above the head. Todd's head cleaner is at a position below the head when the tape is in contact with the head. Due to this arrangement, Todd's drive enclosure will be thicker as extra room is required below the head to allow for the head cleaner to be in position there when tape is contact with the head. The claimed embodiments do not suffer from this deficiency and can therefore have a slimmer drive form factor.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 4, 12-13, 16 and 18-19 were rejected under 35 U.S.C. § 102(b) as being allegedly unpatentable over Todd in view of Davis (U.S. Patent No. 6,867,947). Claims 5-6, 10, 14-15 and 20 were rejected under 35 U.S.C. § 102(b) as being allegedly unpatentable over Todd in view of Nayak (U.S. Patent No. 6,697,230) and further in view of Townsend (U.S. Patent No. 4,139,877). Claims 7, 9 and 17 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Todd in view of Nayak and further in view of Nanba (U.S. Patent No. 3,774,916).

The M.P.E.P. sets forth the strict legal standard for establishing a *prima facie* case of obviousness based on modification or combination of prior art references. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references where combined) must teach or suggest all the claim limitations." M.P.E.P. § 2142, 2143. The teaching, suggestion, or motivation for the modification or combination and the reasonable expectation of success must both be found in the prior art and cannot be based on an applicant's disclosure. *See Id.* (citations omitted). "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either

explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art” at the time of the invention. M.P.E.P. § 2143.01. Even the fact that references can be modified or combined does not render the resultant modification or combination obvious unless the prior art teaches or suggests the desirability of the modification or combination. *See Id.* (citations omitted). Moreover, “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03 (citations omitted).

Due to similar reasons put forth in the previous section regarding Todd and the claim amendments, Applicant respectfully submits that Todd in various combinations with Nayak, Townsend and Nanba also do not disclose the claimed embodiments. Due to this, Applicant respectfully requests the withdrawal of the rejections of claims 4-10, 12-20.

CONCLUSION

Applicant believes that all pending claims are allowable and a Notice of Allowance is respectfully requested.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at the number set out below.

Respectfully submitted,
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Dated: April 16, 2007

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